

The Gant County Fiscal Court met in Special Session on Monday, November 05, 2007, at 7:00 P.M. at the Grant County Courthouse in Williamstown, Kentucky 41097, with Richard Austin, Magistrate 1st District, Present; Brian Linder, Magistrate 2nd District, Present; Bobby Young, Magistrate 3rd District, Present and Hon. Darrell Link, County Judge/Executive, Present and Presiding.

* * * * *

Magistrate Austin opened in prayer. Judge Link then led in the Pledge of Allegiance. Those present were: Clark Kinman-Cable TV, James Perkins and Gigi Schreck with St. Elizabeth Hospital Grant County. Judge Link updated on his Aunt Willena Lonkard who had been taken to the hospital but said he felt she was going to be okay. He asked GiGi to look after her when she went back to the hospital and to tell Chris Carle that he was going to hold him personally responsible for her care. He then updated on the Additions/Deletions to the Agenda. One was to delete the Building Inspector's Report for October and one was to add 14-A for Bullock Pen Water District which he will explain when we get to it.

* * * * *

Motion of Brian Linder and seconded by Bobby Young it is hereby ordered to approve the minutes of the October 15, 2007, meeting as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link presented for review and approval the Claims in the General Expense Fund, Road Fund, Jail Fund and L.G.E.A. Fund for the month of November, 2007, along with the transfers needed to pay said claims. He asked if there were any questions about them. He updated on the two or three large claims in the General Fund. One was for the funds

to Bullock Pen Water District for Phase XI Waterline Project; one was to the Grant County Property Valuation which is the statutory contribution the State makes us pay out for her office and one was Quarterly payment to the Tourism Commission which is just a pass thru, and one was the quarterly payment to the Planning Commission. Magistrate Linder said he has had a couple to ask about the Tourism Funds that Fiscal Court pays out, and commented that Judge Link had said these funds are a pass thru and asked if that came from the hotel tax and not from the Fiscal Court budget per se. Judge Link said that is right; it is just a pass thru as I said and as Brian reiterated that that money is put on as a transient tax to people who stay at the motels are taxed 3% of whatever their bill is and normally we would collect about \$100,000.00 a year. Those motel owners bring that up to us on a quarterly basis and then we distribute it back out to the Tourism Commission, so it is a pass thru. He said that we do retain a small portion for administration for doing all of that. Magistrate Linder said that he thought on some of their paperwork they had showed some income close to \$100,000.00 from the Fiscal Court and he had received a few calls about exactly what was that that was going to them and he tried to relay the same thing to them, that it is a pass thru that comes from the hotel tax. Judge Link said "Absolutely".

Motion of Brian Linder and seconded by Richard Austin it is hereby ordered to approve Claims No. 01-0441 thru 01-0507 in the amount of \$199,258.31 paid out of the General Expense Fund; Claims No. 02-264 thru 02-294 in the amount of \$10,059.65 paid out of the Road Fund, Claims No. 03-0191 thru 03-0205 in the amount of \$56,576.29 paid out of the Jail Fund, and Claim No. 04-000024 in the amount of \$3,136.53 paid out of the L.G.E.A. Fund, for the month of November, 2007, along with the transfers presented to

pay said claims.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link presented the Road Supervisor's Report for October. It is as follows: No action is required. He stated that Denny Road has been blacktopped and Peaceful Road was repaired and fixed, and he said that B. J. Chipman had complained about Salem Road and he had to drive over it twice to find what he was fussing about, but he finally found it. He said we are doing pretty well out there at the Road Department. He also presented the Canine Control Officer's Report for October. It is as follows: No action is required.

* * * * *

Judge Link presented for review and action the Appointment of Anthony Scott Thomas to serve as Road Laborer for the Grant County Road Department effective November 05, 2007, at a salary of \$10.50 per hour. It is as follows:

Motion of Richard Austin and seconded by Bobby Young it is hereby ordered to approve the Appointment of Anthony Scott Thomas to serve as Road Laborer for the Grant County Road Department as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link presented for review and action the Re-Appointment of Patty Poor to serve a 2 Year term as Fiscal Court's Representative on the Grant County Local Health Department Board, said term to begin on January 01, 2008, and to expire on December 31, 2009. It is as follows:

Motion of Richard Austin and seconded by Brian Linder it is hereby ordered to approve the Re-Appointment of Patty Poor to serve as Grant County's Representative on the Grant County Local Health Department Board for another 2-year term as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link updated that a while back the Court had surplused and took some bids on some property that was adjacent to Kimberly Drive which was mainly a Hollow that was located directly behind the Doctor's Office out there. The fact of the matter was that St. Elizabeth Hospital gave us a nice bid on that property and purchased the property. Here of late we were had ordered a survey of the farm out there and the survey and the Surveyor had identified that the previous surveyor had made a mistake when they gave us the metes and bounds on that property that we had surplused and sold, and we need a Motion to correct that deed. He then requested a Motion authorizing him as the Judge/Executive to execute a correction deed on behalf of the county for the property sold at public auction in early 2006 and being the property behind the Summit Medical Building on Barnes Road. The purpose and need for the deed is to reflect a correction of the description of the property as prepared by Hicks and Mann. When the deed was initially prepared, the description was prepared by reference to existing surveys recorded in the county clerk's office. When the county recently had its remaining property surveyed for the purpose of declaring additional acreage as surplus, this necessitated surveying part of the previously conveyed property and that is when the error was discovered. He said this property was already declared surplus two years ago and sold then by public bidding, so it does not need to be rebid.

Motion of Richard Austin and seconded by Brian Linder it is hereby ordered to authorize the Judge/Executive to execute a Correction deed on behalf of the county for the property sold at public auction in early 2006 and being the property behind the Summit Medical Building on Barnes Road as requested.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link stated that there is about a 30.88 acre tract and he knows this Motion on the Agenda says 30.98 acres, but he was contacted by the Surveyors today and he is making a diagonal line there that might take off one hundredth of the metes and bounds but he will get that straightened out and may have done so today and certainly will be before we accept the bids. But nevertheless this 30.88 acres or 30.98 acre tract whatever you choose to call it at this point is adjacent to the land that we just corrected the deed on and we no longer have use of this land and can't imagine how we would use the land anyway to benefit the public, so he read the following Motion. He would ask for a motion to declare a 30.98 acre tract of land the county owns as surplus property. The property is located behind Summit Medical, Grant Manor and St. Elizabeth Hospital except for about 218 feet of road frontage to the east of the hospital. It is largely inaccessible land except to those entities that owns property between it and Barnes Road and it is of no use to the county. The Motion would be to declare it surplus and to advertise it for sale with a minimum acceptable bid of \$180,000.00. He said that part of the KRS that we need to satisfy is we have to identify what the land was and what the intended use of that land was, and quite frankly he doesn't think any of us were around when that land was

purchased by the county, so we don't really know. What we do know is that it was always identified as a county farm and the Poor House was out there at one time, and he guesses that indigent people lived out there and we had a pauper cemetery out there. There might have been some tobacco base on the farm at one time, it might have generated a little income but it no longer does that as well. So whatever you can imagine the intended use was when it was purchased it certainly is no longer being used in that capacity today. As Ed has prepared this Motion this land is almost inaccessible except to those entities around it and it is of no use to county government, so a Motion would be in order declaring it as Surplus as he read.

Motion of Bobby Young and seconded by Richard Austin it is hereby ordered to Declare as Surplus to the needs of the county a 30.98 Acre tract of land located behind Summit Medical, Grant Manor and St. Elizabeth Hospital except for about 218 feet of road frontage to the east of the hospital, and to authorize the Judge/Executive to advertise said 30.98 acres of land for Sale with a minimum acceptable bid of \$180,000.00.

Judge Link said that before he calls for a vote he thinks Magistrate Brian Linder is going to excuse himself from voting. Magistrate Linder said "Correct, he would just Abstain because he is on the St. Elizabeth Foundation Board, so just to void any Conflict of Interest". Judge Link thanked him and said that Brian sits on the Foundation Board for St. Elizabeth and just to ensure that no one comes back and says that maybe we did something unethical, Brian is going to Abstain from voting on this issue and he appreciated that.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, Abstains; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

Judge Link stated that the Public Notice will run in the local paper and we will be accepting bids until 4:00 PM on November 16th and then we will open those bids at our meeting on November 19th, and as he said there will be a minimum of \$180,000.00 that will be ascertained for that property.

* * * * *

Judge Link said he will make it a little clearer and make sense why we declared the 30.98 acre tract as we are now and he is going to ask for a Motion to declare the Hospital Real Property and Improvements as Surplus. He would ask for a Motion to declare an 8.99 acre tract of land the county owns on the Corner of Barnes Road and Kimberly Drive as Surplus Property. The property is commonly known as the St. Elizabeth Hospital-Grant County. The reason for declaring this surplus is that the property is of no use to the county because of its current use under a long-term lease with St. Elizabeth as primary care hospital. The property itself is not suitable for any other use to the county. The Motion would be to declare it Surplus, to advertise it for sale with a minimum acceptable bid of \$1.5 million dollars and the bidder to agree that the property will be used as a primary care facility, which restriction will run with the land and appropriate language included in the deed. He said before he asked for the Magistrates to vote and once again Magistrate Brian Linder will abstain from voting because he is on the Foundation Board at St. Elizabeth as previously said in the other Motion. So if anybody has any questions or any concerns please give us a call. We would love to and would like very much to discuss this issue with you. Attorney Ed Lorenz told Judge Link that he needed to make the same statement regarding the intent of the property. Judge Link said the intent of this property was likewise like the original intent. As he said we weren't here; we really don't know but it was a county farm. It was purchased at least we believe to provide for

what they called a Poor House at the time so the indigent would have a place to live out there. He said he thought Alton Woodyard ran that Poor House and they also had a pauper cemetery there which we had to incur the expense of moving when we built that Jail, he does know that, and so we believe that was the intent at the time. As he said they probably raised some tobacco crops but that ceased a number of years ago so other are no crops being raised and that cares for that spirit of the law. Mr. Lorenz said one other thing is that while you mentioned what St. Elizabeth is, that is all subject to their current leasehold interest. This is a public bid opened to all bidders. He thinks that bears repeating, Judge. Judge Link said, “Yes, do I need to repeat it or you took care of it?” Mr. Lorenz said that took care of it.

Motion of Richard Austin and seconded by Bobby Young it is hereby ordered to declare as Surplus to the needs of the County a 8.99 Acre tract of land the county owns on the Corner of Barnes Road and Kimberly Drive commonly known as the St. Elizabeth Hospital-Grant County Property and Improvements, and to authorize the Judge/Executive to advertise it for sale with a minimum acceptable bid of \$1.5 million dollars and the bidder to agree that the property will be used as a primary care facility, which restriction will run with the land and appropriate language included in the deed..

Judge Link said we would call on the Magistrates to votes and Magistrate Brian Linder will be Abstaining.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, Abstains; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

Judge Link said “Now Gigi, there was not any Zeros. That is 1.5 Million and a lot of Zeros following”. She said, “I know what that means”. Judge Link said “You know

what that means.” She said “It is well worth it”. Judge Link said that we were looking forward to the investment that we know St. Elizabeth is going to make. She said they had been providing for the county a long time because we care.

* * * * *

Judge Link presented for a first reading Ordinance No. 10-2007-610 Setting Forth Practices Which Constitute a Nuisance; Providing for the Notice of Abatement of said Nuisance and Providing a Penalty for Violation; and Implementation of Procedures to Remove the Nuisance. It is as follows: He also presented a Notice that will run in the local paper showing second reading to be on Monday, November 19, 2007, at 7:00 PM or as soon thereafter as possible, if approved. It is as follows: He said we are going to stop and take a little time here and review a couple of clauses. He said we could do it formally and follow Roberts Rule of Orders and do it by Amendment but before we go there he knows that Magistrate Austin had called him about Section II- No. 5 which included Animal Noises. He was questioning whether this needed to be there. Judge Link read this and discussion was held. Judge Link said it was up to the Court. He could only recall one other time when we had barking dog issues and that is actually cared for in another Ordinance. After discussion it was decided that the words “including animal noises” would be deleted from the Ordinance. Magistrate Austin also questioned Section II – No. 12 which was read by Judge Link to the Court. He pointed out that it does say “more than 2 wrecked, scrapped, or otherwise inoperable automobiles, trucks, boats, trailers etc”. Discussion was held on this at length. Judge Link gave a lengthy answer as to how he feels this will work and how it would be handled by Bryan Miles if there are any violations. After much discussion it was decided that Section II – No. 12 would

remain as stated in the Ordinance with no changes or deletions.

Motion of Richard Austin and seconded by Brian Linder it is hereby ordered to approve the first reading of Ordinance No. 10-2007-610 Setting Forth Practices which Constitute a Nuisance; Providing for the Notice of Abatement of said Nuisance and Providing a Penalty for Violation, and Implementation of Procedures to Remove the Nuisance, along with the Notice to run in the local paper as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link updated that the Road Department needed another Dump Truck and updated on the cost for a 2006 GMC Dump Truck which can be purchased thru the State Bid Price Contract without bidding for \$62,705.00. Discussion was held. Judge Link said that with the equipment on this truck a driver would not really be required to have a CDL license even though we require our drivers to have one. This is a truck that would not have to have a CDL licensed driver. He is not recommending that we go with the options at this time. The truck would not be delivered until some time in January 2008 and we will see what is needed at that time.

Motion of Bobby Young and seconded by Brian Linder it is hereby ordered to authorize the Judge/Executive to purchase of a 2006 GMC Dump Truck for the Grant County Road Department thru the State Bid Price Contract for the amount of \$62,705.00 without options as requested.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link explained that the Federal EPA Funds for the Bullock Pen Water District Phase XI Waterline Project would finally be coming into the county's General Fund and that Bullock Pen Water District was requesting a Motion from the Court allowing the County Treasurer to make payment of these funds to them as soon as they are deposited in the county's bank account without further approval by the Court. This is so they can go ahead and pay the Vendors as soon as possible without further delay.

Motion of Richard Austin and seconded by Brian Linder it is hereby ordered to authorize the County Treasurer to make payment of the Federal EPA Funds to the Bullock Pen Water District as they are received without further action of the Fiscal Court for the Phase XI Waterline Project as requested.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

Judge Link presented the County Treasurer's Quarterly Financial Report for July - September, 2007. No action is required. It is for the Court to take home and review.

* * * * *

Judge Link opened up discussion for the 'Good of the County'. He stated that anyone could address the Court at this time. Magistrate Linder updated on the Dedication of the Park at Jonesville held on a prior Saturday and they had a nice breakfast for them. He updated on the way it was for him and his brother when they were kids and got to get out and play ball and said nowadays you don't see kids in parks or their front yards playing or shooting basketball. A lot of them are playing video games or watching TV and he encouraged the parents and grandparents and people there in Jonesville to get their kids out to the park a couple of times a week during the summer and get them used to being

outside. He also encouraged everyone to get out and vote tomorrow and exercise their right to vote. Many people have given their life and limb and spilled blood to give us that right. He said it pains him sometimes to see the voter turnout and encouraged everyone to get out and vote even if you have to wait in line. Judge Link reiterated that they did dedicate the Jonesville Park and this Court was very pleased to appropriate the funding for that park and make the improvements for the children and families of that area. He said that they likewise constructed a park and brought in some new equipment at Mt. Zion. He said that they have been getting very positive feedback from the children and families in that area and he knows they are very appreciative of that park as well. He also said we need everyone to go exercise their right and vote tomorrow. Magistrate Austin updated on the Halloween in the Park and Costume Contest held at the park and said it went real good and there was a good representation of Vendors there to give out candy and most of the people should have been pleased with what they came away with. He also mentioned the Veterans Ceremony to be held at the Courthouse on Sunday at 2:00 PM. Judge Link confirmed that we would be having a Veterans Ceremony on Sunday at 2:00 PM here at the Courthouse to recognize our many Veterans who have done their duty for our country and would like for everyone to join in. Magistrate Austin mentioned the Food Drive the churches here in Williamstown have started. He said a bag was left on the porches Sunday and he requested that we put something in it and someone will show up next Saturday or Sunday to pick it up. All of this is going to Helping Hands. Judge Link said the majority of the food will be made available to Helping Hands and in the spirit of what they are trying to accomplish is to ensure that no family or especially children go hungry thru the holidays. We have been blessed greatly here in our county

and so this is an opportunity for the good Lord to use us as a conduit to make his power and blessing known. He said they had a tremendous Saturday and Sunday when they collected canned goods at both Food Lion and Wal Mart and had truckloads full. He also said they have set out brown bags at people's homes and asked them to go do the same. They are asking their entire congregation to do the same and there is a drive going on at the Schools so he thinks there is a great miracle taking place here which is not a surprise to him or the Court either. People of this county are very caring, very compassionate, very giving and they appreciate that. Magistrate Austin said they would be starting the Salvation Army Kettle Drive the Friday and Saturday after Thanksgiving. He has been fortunate enough to be Chairman of that organization for a few years. He said if somebody out there would like to give them support and help on manning the kettles to call him or the Judge's office to get to work. They plan to do both doors this year. Last year they shared it with Pendleton County, but he knows they didn't want to come back over here this year, so they will have both doors to do the Friday and Saturdays up thru Christmas. He said that 80% of the money collected actually stays here in the county. He said that this would be a good time to help those less fortunate. He said it is unfortunate that we only think about this at this time of the year. He said most everybody eats everyday, so people need help throughout the year, not just between now and Christmas. Judge Link said that we also completed Walktober which Parks and Recreation played a part of. He did notice there were a number of people out there walking so the awareness campaign seemed to be effective and successful and we will continue to advocate that people Get Up, Get Out and Get Healthy here in the county and try to continue to provide for programs to continue where that will occur. He also updated that this Thursday we

will be having a groundbreaking at our Judicial Center site. You already see dirt being moved down there by big dozers, but if you want to come out at 1:00 PM this Thursday, November 08th, we will have some shovels out there and go thru a ceremonial breaking of the grounds so to speak and take some pictures, and there will probably be a couple of speeches made. The Chief Justice is coming in and will give a speech and the Circuit Judge, the Hon. Steven Bates, will also give a speech. If it is cold dress warmly. He anticipates it will be a little cool on Thursday. The Fiscal Court will be providing a tent there that day and some light refreshments so we will try to make it as comfortable for you as possible. In 22 months we will be cutting a ribbon and going into that facility which will be a tremendous monument for Justice and a wonderful icon for the people of Grant County that is all being paid thru State dollars, and we will be talking about the appreciation that we have for Representative Adams and Senator Thayer in making that money available to us so that we can build that monument here in the county. He invited all to come. He also said that at the Caucus meeting on November 12th he would have a couple of appointees to our Extension Board here and he has asked them to come and be here to meet with the Court and discussion will be held on Extension Programs and what their vision is and what ours is, and he will continue to do that with all appointments.

* * * * *

Judge Link reminded the Fiscal Court that the next Caucus meeting will be on Monday, November 12, 2007, at 5:30 P.M, and that the next meeting of the Fiscal Court will be on Monday, November 19, 2007, at 7:00 P.M.

* * * * *

Motion of Brian Linder and seconded by Richard Austin it is hereby ordered to Adjourn until Monday, November 19, 2007, at 7:00 P.M.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Brian Linder, Magistrate 2nd District, votes Yes; Bobby Young, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

* * * * *

GRANT COUNTY JUDGE/EXECUTIVE